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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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In the Matter of

Amendment of Section 2.106 of the
Commission's Rules to Allocate
Spectrum at 2 GHz for Use
by the Mobile-Satellite Service

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ET Docket 95-18
RM-7927

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**REPLY COMMENTS OF
SOUTHWESTERN BELL MOBILE SYSTEMS, INC.**

Southwestern Bell Mobile Systems, Inc. ("SBMS") files these reply comments in response to the initial comments submitted by interested parties in reply to the Federal Communications Commission's ("Commission") Notice of Proposed Rulemaking¹ in this proceeding:

I. BACKGROUND

In connection with the NPRM, the Commission states its belief that, due to significant demand for convenient mobile services, a need exists to allocate a substantial amount of spectrum for Mobile Satellite Service (MSS).² The Commission adds that the use of 2 GHz frequencies will help minimize transmission costs and ensure a relatively low cost service appropriate for a large segment of the U.S. population, emphasizing that the proposed allocation of 70 MHz of spectrum to MSS would give rural Americans access to new and competitive services and technologies.

SBMS is a wholly-owned subsidiary of Southwestern Bell Wireless Holdings, Inc. (which is a wholly-owned subsidiary of SBC Communications, Inc.). SBMS operates as a cellular licensee in various MSAs and RSAs, a Private Land Mobile Radio Services licensee in LMS

¹**In the Matter of Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile Satellite Service**, ET Docket No. 95-18, RM-7927 Notice of Proposed Rule Making (Released January 31, 1995). ("NPRM").

²NPRM, para. 7.

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services and is a paging licensee. SBMS expects to be an emerging technology provider in the PCS market. As a cellular carrier, SBMS currently holds microwave licenses in the 2160-2180 MHz band, which are used to interconnect cell sites and Mobile Telephone Switching Offices.

II. THE COMMISSION SHOULD ALLOCATE THE 40 MEGAHERTZ AT 1990-2015 MHz AND 2180-2200 MHz TO MOBILE SATELLITE SERVICE.

In the NPRM the Commission proposes to allocate spectrum to MSS. The Commission is considering an allocation from the 1990-2025 MHz and 2165-2200 MHz bands to MSS. One alternative being considered is to allocate only the 40 megahertz at 1990-2010 MHz and 2180-2200 MHz.³ Another alternative is to allocate the entire 70 megahertz from 1990-2025 MHz and 2165-2200 MHz. This reply reiterates SBMS' strong support of the first alternative to allocate only the 40 megahertz that was allocated at the 1992 World Administrative Radio conference (WARC 1992) and to defer action on the reallocation of the additional spectrum. This reply also asserts that, in the event the 2160-2180 MHz band is reallocated to MSS, then the MSS providers should be obligated to pay all costs associated with the reallocation, including the provision of comparable replacement facilities.

A. Reallocation of the 2160-2180 MHz Band will Detrimentally Effect Rural Cellular Service and Will Not Further the Commission's Stated Purpose.

1. Detrimental Effect

SBMS currently utilizes the 2160-2180 MHz band for purposes of interconnection, especially in rural areas. The 2 GHz paths, with the ability to propagate long distances with minimal interference from terrain and vegetation, are essential in rural service areas where cell sites are farther apart and the use of

³NPRM, para. 15.

wireline facilities for intra-system communication is cost prohibitive, if available at all.⁴ The proposed migration of 2 GHz paths to 6 GHz is not an adequate solution. The 2 GHz frequency normally radiates from eight to fifteen miles farther than the 6 GHz frequency.⁵

Migration, therefore, may require the costly replacement of 2 GHz paths with multiple 6 GHz paths. Further, migration of 2 GHz paths to 6 GHz paths may also necessitate the replacement of towers, antennas and/or related equipment, or even total relocation of facilities, all at great cost. In sum, reallocating the 2160-2180 MHz band to MSS will not only be cost prohibitive, but will disrupt, and possibly diminish, the quality of cellular service our rural-area customers now enjoy.

2. Failure to Further the Commission's Purpose

In Paragraph 7 of the NPRM, the Commission underscores the idea that allocation of 70 MHz of spectrum of MSS should give rural Americans "access to new and competitive services and technologies," which is an appropriate purpose. However, the relocation of existing, high quality mobile services, currently available to these same rural Americans, to effectuate this purpose is economically inefficient and wasteful, especially when there is a reasonable alternative, i.e., the

⁴It is often the case that microwave spectrum is the only vehicle through which cellular carriers can interconnect its cell sites, towers and MTSOs in rural areas. The reason microwave spectrum may be the only option is that there often are no landline facilities in rural areas.

⁵Please see the discussion regarding these issues in §IA of the May 5, 1995 **Comments of Southwestern Bell Mobile Systems, Inc.** filed in response to the NPRM.

allocation of 40 MHz at 1990-2015 MHz and 2180-2200 MHz. As discussed above, the relocation of 2160-2180 MHz band licensees will result in increased costs and disrupted mobile services that are simply unnecessary.

SBMS already provides a large number of rural area customers high quality mobile services through its existing system and, therefore, has done much to promote the Commission's goal of giving rural Americans "access to new and competitive services and technologies." Additionally, there is no guarantee nor specific evidence that MSS technology will actually give rural area customers access to any new and competitive services and technology beyond that which the cellular carriers already provide or can provide. Therefore, rather than relocate existing, high quality services, the Commission should adopt the option of allocating only 40 MHz at 1990-2010 and 2180-2200 MHz ranges to MSS.

III. The MSS Providers Should Pay All Costs Associated With Any Required Reallocation.

In the event the Commission does require relocation of microwave licensees, the MSS providers, as the "emerging technology providers" of MSS, must be required to pay all costs associated with the relocation. First, there is no legitimate and equitable reason to require current cellular carriers to incur any costs associated with a forced relocation to provide room for MSS providers. To require cellular carriers to contribute to payment of such costs would be nothing less than an unjust requirement that cellular carriers subsidize the MSS' entry into the market. In effect, companies like SBMS would not only be required to relocate and disrupt the services it currently provides its rural area customers, but it would be forced to pay to do so.

Second, SBMS expects to be an emerging technology provider in the PCS market. As such, unless other terms can be successfully negotiated with incumbent microwave licensees, SBMS will be obligated to relocate existing licensees, pay the relocation costs and provide

comparable replacement facilities for the replaced licensees.⁶ Likewise, following the same logic and reasoning, the emerging technology providers in the MSS market should be obligated to relocate existing licensees, pay for the relocations and provide comparable replacement facilities or, at a minimum, be required to attempt negotiation of other terms with the incumbent microwave licensees.

IV. Conclusion.

For the reasons stated herein, the Commission should allocate 40 MHz at 1990-2010 and 2180-2200 range to MSS and not reallocate the 2160-2180 range to MSS. In the event the Commission decides to reallocate the 2160-2180 MHz range, then the Commission should require the emerging technology MSS providers to relocate existing licensees, pay for the relocation and provide them comparable replacement facilities.

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⁶Proposed rule 47 CFR 101.69. See also In the Matter of Reorganization and Revision of Parts 1, 2, 21 and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services, WT Docket No. 94-148 and In the Matter of Redevelopment of Spectrum to Encourage Innovation in the Use of New Technologies, ET Docket 92-9.

CERTIFICATE OF SERVICE

I, Kenneth L. Judd, hereby certify that I have on this 21th day of June 1995, caused copies of the foregoing Comments to be delivered via U.S. mail, postage prepaid, or by hand delivery to the following:

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